

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**IN RE:**

**Chapter: 7  
Case No.: 08-31457**

**MICHAEL FRANCIS PUSATERI, III**

**SS: XXX-XX-1888**

**Debtor.**

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**CONGRESSIONAL FEDERAL CREDIT UNION**

**Plaintiff,**

**v.**

**Adversary No.: 08-03149**

**MICHAEL FRANCIS PUSATERI, III**

**Defendant.**

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**TO:** Congressional Federal Credit Union,  
by service upon its attorney of record:  
c/o Heather W. Culp  
Mitchell & Culp, PLLC  
1001 Moorehead Square Drive, Suite 330  
Charlotte, North Carolina 28203

**DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSIONS**

PLEASE TAKE NOTICE THAT Defendant, pursuant to Bankruptcy Rule 36 and Rule 36 of the Federal Rules of Civil Procedure, hereby propounds to Plaintiff this first set of Requests for Admissions, to be answered fully within thirty (30) days from the service date indicated on the certificate of service attached hereto.

**INSTRUCTIONS**

You are served with the original and one copy of the Defendant's First Request for Admissions to Plaintiff pursuant to Federal Rules of Civil Procedure 36 and Bankruptcy Rule 7036. These requests will be deemed admitted unless, within thirty (30) days after service of these requests, a written answer or objection is addressed to the matter, and is signed by the party or by party's attorney. If objection is made, the reasons therefor shall be stated. Please type your

responses in the space provided and, if necessary, add additional pages. Return the verified original of the completed Requests for Admission to David R. Badger, David R. Badger, P.A., 2108 South Blvd., Suite 118, Charlotte, NC 28203 within thirty (30) days after service of these requests upon you. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information of knowledge as reason for failure to admit or deny unless he states that he had made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.

**Request No. 1:**

Admit that Defendant's medical records were received by you prior to filing this Adversary Proceeding.

**Request No. 2:**

Admit that Defendant had not defaulted on any payments on any account owed to Plaintiff prior to July of 2008.

**Request No. 3:**

Admit that investigation into any individual charges made after January 1, 2008 revealed no individual purchases that would be considered luxury goods or services in excess of \$550.00.

**Request No. 4:**

Admit that expenses related to medical services are not considered luxury goods or services.

**Request No. 5:**

Admit that travel expenses related to or incurred on behalf of a parent who needs medical attention are not considered luxury goods or services.

**Request No. 6:**

Admit that reasonable charges incurred at grocery stores and drug stores are not considered luxury goods or services.

**Request No. 7:**

Admit that reasonable charges for automobile gasoline are not considered luxury goods or services.

**Request No. 8:**

Admit that charges related to maintaining services (such as Multiple Listing Fees for a Realtor) essential to one's occupation are not considered luxury goods or services.

**Request No. 9:**

Admit that the average person would be mentally distressed by an unsubstantiated allegation that he committed "fraud".

**Request No. 10**

Admit that when the Complaint was filed, you were aware of the Defendant's physical condition and the likely effect upon his future well-being.

**Request No. 11**

Admit that on or about May 1, 2008, the automobile account #113717 was paid in full by Defendant.

**Request No. 12**

Admit that on or about May 1, 2008, Defendant paid \$17,000 to Plaintiff to satisfy the account involving an automobile having a fair market value substantially less than the account payoff.

DATED: \_\_\_\_\_

\_\_\_\_\_  
David R. Badger  
N.C. State Bar No.:156  
Attorney for Defendant  
DAVID R. BADGER, P.A.  
2108 South Boulevard  
Suite 118 Atherton Lofts  
Charlotte, NC 28203  
Telephone: (704) 375-8875  
Facsimile: (704) 375-8835

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**Defendant.**

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he has this date served a copy of the foregoing Defendant's First Set of Requests for Admissions upon all parties listed below by depositing same in the U.S. Mail, postage pre-paid, addressed as follows:

Michael Francis Pusateri, via e-mail

Roderick H. Angus  
Huston & Angus  
5529 Lee Highway  
Arlington, VA 22207

The undersigned further certifies that he has this date served a copy of the Defendant's First Set of Requests for Admissions on all parties listed below by electronic case filing:

Bankruptcy Administrator  
Heather Culp  
Wayne Sigmon, Trustee

Dated: \_\_\_\_\_

\_\_\_\_\_  
David R. Badger  
Attorney for the Defendant  
N.C. State Bar #156  
DAVID R. BADGER, P.A.  
2108 South Boulevard  
Suite 118 Atherton Lofts  
Charlotte, North Carolina 28203  
Telephone No.: (704) 375-8875  
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